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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,729	11/19/2003	Jozef Brcka	TAZ-240	6314
37694	7590	08/01/2006	EXAMINER	
WOOD, HERRON & EVANS, LLP (TOKYO ELECTRON)			DHINGRA, RAKESH KUMAR	
2700 CAREW TOWER			ART UNIT	
441 VINE STREET			PAPER NUMBER	
CINCINNATI, OH 45202			1763	

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/716,729

Applicant(s)

BRCKA, JOZEF

Examiner

Rakesh K. Dhingra

Art Unit

1763

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.


**PARVIZ HASSANZADEH
SUPERVISORY PATENT EXAMINER**


Rakesh K Dhingra

Comments on applicant's remarks:

Regarding Paragraph 0055 of specification: It is seen that correction in line 12 for amending "shield 54" to "shield 53" is not done, which may please be made.

Regarding Claim 1:

To applicant's argument about combining three references for rejecting claim 1, examiner responds that reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

To applicant's argument that none of the references disclose a peripheral ionization source that is mounted on the periphery of the substrate support, and therefore no prima face case of obviousness is established by the references, examiner responds that Tanaka et al does teach a coil 20 which is mounted on the periphery of substrate support portion 7 (claim 1 does not recite that peripheral ionization source is also attached to substrate support). Thus Tanaka teaches limitation of claim 1 in this respect.

To applicant's contention that there are no teachings in references on how to modify the reference to produce the claimed invention, examiner responds that Moslehi reference indicates a need for an adjustable height inductive antenna with respect to substrate surface to obtain increased process uniformity (Moslehi - column 3, lines 10-50) and Tanaka's reference is used since it meets the claim limitation regarding location of peripheral ionization source being disposed around the periphery of the substrate support. Tanaka teaches a coil (inductive antenna) 20 whose height is adjustable with respect to upper surface of substrate support 7 (that is with respect to surface of substrate 8) (Tanaka - Figures 1, 3 and column 4, line 10 to column 5, line 50) and thus coil 20 can lie in the same plane as the substrate support. Tanaka also discloses that his invention results in improved plasma uniformity (column 2, lines 18-21). Thus Tanaka's disclosure provides the motivation to combine the references and reads on the limitation of the claim regarding location of peripheral ionization source.

In response to applicant's contention that Moslehi and Tanaka do not disclose a series RF circuit to bias the substrate support surface to couple a plasma proximate the substrate support surface, examiner responds that Usai does teach a series RF circuit comprising substrate support 3 and coil 2. Further, Usai also provides motivation to combine with Moslehi, in that his invention provides high density plasma with uniformity (column 2, lines 5-30). Thus the references when combined meet limitation of claim 1 and accordingly rejection of claim 1 is maintained.

Regarding Claim 4: To applicant's argument that the Usai reference discloses a series circuit that shows the elements to be electrically connected in series but not capacitively coupled, examiner responds that Tanaka teaches an annular peripheral ionization source (coil 20, Figures 1, 3) as explained above. Further, Usai teaches a series RF circuit comprising the ionization source and the substrate support as per claim limitations. Capacitive coupling between substrate support and the peripheral ionization source would depend upon other design/process related factors, for which the apparatus of prior art would normally be configurable. Thus the references meet the limitations of claim 4 and its rejection is maintained.

In view of above comments, rejection of claims 1-20 is maintained.

As regards applicant's comments regarding double patenting rejection, examiner responds that the rejection is maintained for the present and would be reviewed when either of the two applications progresses for the allowance stage.

Continuation of 13. Other: please see comments on applicant's remarks in the continuation sheet.